

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROY T. MARSHALL,

Petitioner,

No. CIV S-00-0272 GEB JFM P

vs.

A.C. NEWLAND, Warden, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has

filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 13, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.

1 Petitioner has filed objections to the findings and
2 recommendations.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the court finds the findings and recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed April 13,
10 2005, are adopted in full; and

11 2. Petitioner's January 10, 2005 motion for
12 reconsideration is construed as a motion for relief from judgment
13 pursuant to Fed. R. Civ. P. 60(b) and, so construed, is denied.

14 Dated: June 9, 2005

15 /s/ Garland E. Burrell, Jr.
16 GARLAND E. BURRELL, JR.
17 United States District Judge